EXPLANATION OF

09

فروع الفقه

Ibn Al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allah (سبحانه و تعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه و تعالى) keep him sincere, and continue to shower his life and da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allah make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allah facilitate the completion of this Sharh, and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SHAYKH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

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بسم الله الرحمان الرحيم

الحمد الله الذي خلق الإنسان في أحسن تقويم، وأمده بالفهم وحباه بالتكريم سبحانه، رفع شأن العلم فأقسم بالقلم، ومتن على الإنسان فعلمه ما لم يكن يعلم، وأشهد أن سيدنا محمداً عبد الله ورسوله، اللهم صلي وسلم وبارك عليه وعلى آله وصحبه أجمعين، أما بعد

All praise is due to Allāh who created man of the best stature and provided him with understanding and endowed him with honor, glory be to Him. He elevated the status of knowledge and swore by the pen, and established man for he taught him what he knew not. And I testify that our lord Muhammad is the slave and messenger of Allāh, May Allāh send His peace and blessings upon him, his family, and all his companions. As for what follows:

We're talking about the Wājibāt of the Wudū', and we left off at the author's statement:

وأَمَّا **الوَاجبُ** .. فغَسْلُ الأعضَاءِ الثَّلاثة،

The obligatory acts of Wudū' are washing the three parts. We mentioned that they're so obvious (obvious in the verse), that he didn't even specify them. He said the three parts, and he meant the face, and the hands and arms to the elbows, and then the feet to the ankles. He mentioned them together because the commonality between them, as we said, is that they're all acts of Wudū' that must be washed. We took the face and what pertains to it, we finished that Alhamdullilāh. We took the arms to the elbows and what pertains to it, the third act of Wudū' and where we left off was, the feet to the ankles. The verse in Surat Al-Mā'idah (6) is very clear on that. Then, there's Ahādīth in Bukhāri specifying washing the feet, and every single complete description of the Wudū' of Rasūlul-Allāh (صلى الله عليه وسلم) mentioned washing the feet, like Hadīth 'Uthmān (رضي الله عنه), Hadīth Abdullāh Ibn Zaid, Hadīth Ibn 'Abbās, and Hadīth Abu Hurayrah (رضي الله عنهم).

Ibn Abu Laylah, & 'Atā' Ibn Abī Rabāh related an 'Ijmā' by the Sahābah on washing the feet. Some contest the 'Ijmā' but that's a whole different topic, and will

take the majority of this class if we dwell into it. I may talk about it separately. Just like we went over the issue of the hands, and that it reaches, and must include the elbows (إلى المرافق) – likewise here – washing the feet includes the ankles the (كعبين). What we took last week on including the elbows, applies here in including the ankles – it's the same exact issue.

Number two, what we took last week on the more correct opinion of not going past the elbows – remember when we talked about the (عضد), it (also) applies here in not going past the ankles.

Number three, what we took earlier on washing once or twice or thrice (a few classes ago) applies here. So Alhamdullilāh there' no need to go over those three issues again. A simple point that I wanted to add pertaining to that detail, is that even though it's confirmed that Ibn 'Umar (رضي الله عنهما) washed his feet seven times, most of the time he only washed it thrice. Seven may have been done (احْتِياط) as a precautionary measure.

It wasn't known from the Messenger (صلى الله عليه وسلم) or any of the other Sahābah, with the exception of Ibn 'Umar (رضي الله عنهما) that went over three times. And it was only sometimes he did so. Hadīth 'Uthmān in Sahīh Bukhāri specifies three times. The foot must be completely encompassed with water, leaving nothing out no matter how small – not even a tiny drop. Especially in the heels, where many people neglect it – because of the Hadīth specifying that. And that Hadīth is sufficient, to know that you must wash the foot. Whether, as we said earlier, there's an 'Ijmā' or not.

And the Messenger (صلى الله عليه وسلم) saw some of the Sahābah performing Wudū' – when he saw that the heels (the commonly neglected and forgotten spot) were dry (in Sahīh Bukhāri and Muslim), the Messenger (صلى الله عليه وسلم) addressed them in a loud voice twice or thrice,

وَيْلٌ لِلأَعْقَابِ مِنَ النَّا

"Woe to your heels from Jahanam!"

The next statement of the author, after the three washed parts pertaining to Wudū', he mentioned the one that's wiped. Which is: (الرأس)

وَمَسْحُ الرَّأسِ مَع الأُذنين،

Wiping over the head, including the ears.

The verse is clear,

وَامسَحوا بِرُءوسِكُم وَأَرجُلَكُم إِلَى الكَعبَينِ

Pass, or rub your wet hands over your head.

In Sahīh Bukhāri and Muslim,

ثُمَّ مَسَحَ – صلى الله عليه وسلم –بِرَأْسِهِ,

The Messenger (صلى الله عليه وسلم) wiped over his head.

There's none among the Sahābah or those after them, who left out wiping the head. Ibn 'Abbās used to tell those who forgot to wipe their heads to go repeat their Wudū' and their Salāh. The 'Ijmā' (consensus) narrated in wiping over the head in Wudū' is by many 'Ulamā'.

Ibn Qudāmah related it, Az-Zarkashi, Ibn Abdul-Barr, Ibn Rushd, An-Nawawi, Al-Māward, Al-Qurtubi – they all related an 'Ijmā' on that matter.

The next Mas'alah, is the method of wiping over the head. But before we get into that Mas'alah, there's a Mas'alah or two before that, let's take it step by step. Should new water (fresh water) be used for the head?

Hadīth Abdullāh Ibn Zaid in Sahīh Muslim clearly shows its Sunnah to use fresh water. In that Hadīth it says,

وَمَسَحَ بِرَأْسِهِ بِمَاءٍ غَيْرِ فَضْلِ يَدِهِ

He took fresh water, and wiped his head.

In Hadīth 'Uthmān, in Sunan Abu Dawūd, and in many descriptions of the Messenger's (صلى الله عليه وسلم) Wudū', they indicate the Messenger (صلى الله عليه وسلم) took fresh water to wipe his head, and it's what the Tabi'īn went by and that they gave their fatwas upon. 'Atā', and Al-Hasan Al-Basrī, An-Nakha'ī said, 'If one was to wipe the head with the water left over on his hand, without taking fresh water – his Wudū' is valid but he did not follow the Sunnah.'

The next Mas'alah, one shouldn't shake the water off his hands after he wets them – to wipe his head. There's a Hadīth in Sunan Abu Dawūd,

ثُمَّ قَبَضَ قَبْضَةً مِنَ الْمَاءِ ثُمَّ نَفَضَ يَدَهُ ثُمَّ مَسَحَ بِهَا رَأْسَهُ وَأُذُنَيْهِ

Ibn 'Abbās (رضي الله عنهما) was showing them the Wudū' of the Messenger (صلى الله عليه وسلم). He took a handful, and shook the water off his hand, then he wiped his head. The Hadīth is in Sunan Abu Dawūd, it has issues in it's chain of authenticity – one of them is that Hishām Ibn Sa'd in that chain was spoken about by the Muhadīth Ibn Abī Hātim. That's the first point pertaining to the Hadīth, in addition, the specific statement 'he shook off his hands,' it's not mentioned in other narrations describing the Wudū' of the Messenger (صلى الله عليه وسلم). A third point pertaining to that, let's assume that Hadīth was authentic, it does not go against not shaking the water off the hand, how? Because in that narration it says he took a handful, even if that weak Hadīth was authentic, it mentions that he took a handful – meaning it was an excessive amount of water. If he didn't shake it off, he'd be washing his head. And the Sunnah is to wipe the head. Had the narration stated he wet his fingers then shook it off, it may be proof for shaking the hands off from water before wiping the head – if it wasn't weak. That's a delicate observation within the Matn that one needs to pay attention to. The bottom line is, one who wets the hands shouldn't shake off the water for the proper Sunnah.

The next Mas'alah, after the hand is wet (because we took that without shaking it off from the water) one wipes and encompasses the entire head – that's the Sunnah, and we'll discuss (Inshā'Allah) what the minimum would be if there is a minimum. The Sunnah is to pass the wet hands over the head from the front to the back, and vice versa, and bringing them forward again to the front – one time. That's considered one time, even though it's going back then forward. Because going back (wiping back) is wiping the outer, top part of the head. And going forward is going inside the hair.

There's a Hadīth by Abdullāh Ibn Zaid, in the Sahīhayn,

ثُمَّ مَسَحَ رَأْسَهَ بِيَدَيْهِ فَأَقْبَلَ بِهِمَا وَأَدْبَرَ بَدَأَ بِمُقَدَّمِ رَأْسِهِ ثُمَّ ذَهَبَ بِهِمَا إِلَى قَفَاهُ

"…Then wiped his head both front and back with his hands, beginning with the front of the head and moving them to the nape of the neck, then bringing them back to the place from which he began."

Imām An-Nawawi (رحمه الله) said there's an 'Ijmā' on the Sunnah of that method. The wording of that Hadīth in Arabic is somewhat confusing in where you start. From the front, then you go to the back, or the back – then you go to the front? (أَقْبَلَ) in Arabic, means to come to the front. And (أَدْبَرَ) means to go to the back. The Hadīth says (فَأَقْبَلَ بِهِمَا وَأَدْبَر), so the literal wording of the Hadīth may mean he started in the back, then went to the front, then went to the back again. Some 'Ulamā' say, the (و) here is not the (و) of showing order. Ibn Daqīq Al-'Īd and others said, (فَأَقْبَلَ بِهِمَا وَأَدْبَر) depends on how you look at it. (أَقْبَلَ) & (أَدْبَرَ) could mean starting either way in the context of wiping the head. But he said what would clear the issue is to consolidate between the Ahādīth on this matter. There's other narrations that specify the Messenger (صلى الله عليه وسلم) specifically started form the front. We divert this narration (فَأَقْبَلَ بِهِمَا وَأَدْبَر) to mean that he went from the front to the back, and the back to the front because of the other narrations that specify that. If you notice, doing it that way as we said, going back wipes the outer part of the hair and going back again does the internal part of the hair. That's generally sufficient for a person with short hair. Al-'Irāqī and Imām Ahmad and others mentioned for those with longer hair, that they can wipe the whole head from the front to the back without moving the hair from its position, and without having to reverse and go back to the front again. They mentioned, Imām Ahmad specified the

Hadīth of Ar-Rubay'a Bint Mu'awidh Ibn 'Afrā' that specifies the detailed method of the Messenger's (صلى الله عليه وسلم) performing his Wudū'. She described the Wudū' of the Messenger (صلى الله عليه وسلم) in front of her, and she said when wiping his head,

لاَ يُحَرِّكُ الشَّعْرَ عَنْ هَيْئَتِ

He didn't move the hair from its original position.

Ibn Raslan said, that method is to avoid having to inconvenience one by messing their hair up every time they make Wudū', by returning their hands and wiping them to the front – what does that do? It messes up the hair for one who has long hair.

Another point you must keep in mind, when wiping the hair you don't have to wash or reach the scalp. And one doesn't need to permeate and run his fingers through the inside of the hair. There's an 'Athar on that, Sahl Ibn Yūsuf said I asked Humayid:

قلت لحميد أكان أنس بن مالك إذا مسح رأسه يقلب شعرة قال : لا

Anas Ibn Mālik didn't do that.

How many times do we wipe the head? The number of times to wipe the head, is usually once as we stated. There's nothing confirmed that the Messenger (صلى الله عليه وسلم) wiped his head more than once. There's nothing authentic from any of the Sahābah, nor anything from the many Ahādīth that describe the Wudū' of the Rasūlul-Allāh (صلى الله عليه وسلم) on that matter. It was confirmed in Musanaf Ibn Abdul-Razzāq that Ibn 'Umar wiped his head one time. The overwhelming vast majority of the Tabi'īn went by one time as well. Among the first who I believe, without authentic precedent, to go over once, was Abu Muhammad 'Atā' Ibn Abī Rabāh, a Tābi'ī (رحمه الله) who learned and took from many of the Sahābah. He used to wipe the head three times, without taking new water – and with one hand. And that's authentic as being attributed to him. However that's his own personal ijtihad, 'Atā' clearly stated it's what he does but not what he gives a fatwa on. Had it been confirmed to him as being a Sunnah he would've

ordered it. Practicing yet not giving a fatwa on it is similar to what we discussed regarding Abu Hurayrah (رضي الله عنه) extending the (غره) and the (تحجيل).

In summary, the Sunnah is wiping the head once. It's the action of the Sahābah and their sayings as well as the overwhelming vast majority of the Fuqahā'. The only ones who adopted the opinion of wiping the head more than once is some of the Shāfi'iyyah.

The next issue is, it's by 'Ijmā' that the Sunnah is to encompass the entire head. All the statements mentioned in the Ahādīth imply that. When we say it's 'Ijmā', that it's Sunnah to wipe over the head, and encompass the head – it's different than saying it's 'Ijmā' that it's Wājib to encompass the entire head. So the obvious issue that comes out of that (the Mas'alah), is wiping part the head sufficient? There's three opinions on this matter.

The first opinion is Abu Hanīfah, and some 'Ulamā' said, the forehead (نَاصِيَة) is sufficient. And they estimated that one should get at least one fourth of the head. They mentioned Ahādīth in Musnad Ahmad, that the Messenger (صلى الله عليه وسلم) wiped on the forelock of his head, and on his khuff (the leather socks), and on his turban. The fact that the Messenger (صلى الله عليه وسلم) wiped on his forelock one time shows that that's what's required. And anything above that and over that, in other narrations that encompasses the entire head, they said it means it's preferable not obligatory. They stated several other weak Ahādīth, but also they had an authentic 'Athar in Musanaf Ibn Abī Shaybah that Ibn 'Umar (رضي الله عنهما) wiped his Yāfookh (يافوخ). (يافوخ) is the area of the skull that's more commonly known today and referred to today as the baby's soft spot (on their skull). That's the first opinion and some of their proofs.

The second opinion, attributed to some of the Shāfi'iyyah, anything wiped from the head – even if it's one hair – is sufficient. Their rationale, they said, linguistically if you say someone hit someone's head – it's a small portion that someone hits. You have to encompass the entire head in order to say you hit his head? A small portion is sufficient. And they said likewise, wiping the head for Wudū' is the same way. Any little portion is sufficient no matter how small. They also said it's confirmed that the Messenger (صلى الله عليه وسلم) wiped over his forehead. And others they say (referring to

the first opinion), state that they limit it to one fourth and some say one half of the head, they said that' snot supported with any proof. They said the forehead is not even one fourth, so why would they even limit by one fourth?

The third opinion is, the Madhhab of the Hanābilah and Mālikiyyah and a very small group of the Shāfi'iyyah and some of the Dhāhiriyyah, and they said it's a requirement to encompass the entire head. Allāh (سبحانه وتعالى) said,

وَامسَحوا بِرُءوسِكُم

The verse says to wipe the entire head and the authentic Ahādīth which explain it and how it's done, shows that he (صلى الله عليه وسلم) and the Sahābah encompassed the entire head.

ثُمَّ مَسَحَ رَأْسَهَ بِيَدَيْهِ فَأَقْبَلَ بِهِمَا وَأَدْبَرَ

They also said the verse on wiping the head,

وَامسَحوا بِرُءوسِكُم

The type of (**ب**) in (**بِرُءوسِكُم**) here is the encompassing (**ب**)

ليست لتبعيض وإنما هي للإلصاق

فلا يجوز مسح بعض الرأس

They said the (**ب**) here is like the (**ب**) in the other verse.

وَلْيَطَّوَّفوا بِالبَيتِ العَتيقِ

(بِالبَيتِ العَتيقِ) you do Tawāf around the Ka'bah. The (**ب**) here, doing Tawāf around the Ka'bah can you do a quarter of a lap? No. So they said it's the same (**ب**), you have to go all the way around – it's the encompassing (**ب**).

They also used the verse on Tayyamum:

فَامسَحوا بِوُجوهِكُم

If you remember in Tayyamum, we said the wiping must encompass the face according to the four Imāms, and the overwhelming majority of the rest of the 'Ulamā'. Here they used that, they said the same way you say the face must be encompassed in Tayyamum, the head must be fully encompassed here as well.

(بِوُجوهِكُم) in Wudū' is like (بِرُءوسِكُم) in Tayyamum, the same (**ب**). The Rājih on this matter is that the head should be fully encompassed. I'll give a few reasons to support that. Firstly, the main problem is with the understanding of the (**ب**). Those who use it to mean (**ب**) of (تبعيض), which is the weaker of the opinions, it would support their position because the (**ب**) of (تبعيض) would mean to wipe part of the head. (تبعيض) means some. So if that (**ب**) was to be (تبعيض) it means some of the head is sufficient. The problem they may face, is that the linguistic scholars don't agree with that.

Abul Baqā' Al-'Uqbarī, a famous linguistics scholar, said those who have no experience in the Arabic language alleged the (**ب**) here is for (تبعيض) – meaning a small portion, or some portion. And it's not used in such context here. Ibn Jinnī and As-Suyūti said, Ash-Shāfi'ī didn't use the (**ب**) here as a (تبعيض). The (**ب**) here is the (**ب**) of (للإلصاق) which means literally joining or sticking. (للإلصاق) used here means it's encompassing, not some.

Number two, when going back and forth in linguistic differences it's important to go and look at other proofs. The verse says, wipe the head – which indicates the overall head. And in the Ahādīth of Rasūlul-Allāh (صلى الله عليه وسلم) they indicate the wiping to be fully encompassing:

ثُمَّ مَسَحَ رَأْسَهَ بِيَدَيْهِ فَأَقْبَلَ بِهِمَا وَأَدْبَرَ

Or in the other Hadīth:

بَدَأَ بِمُقَدَّمِ رَأْسِهِ ثُمَّ ذَهَبَ بِهِمَا إِلَى قَفَاهُ

The third point, comparing the (بِ) in Tayyamum (فَامسَحوا بِوُجوهِكُم) with the (بِ) on wiping the head (وَامسَحوا بِرُءوسِكُم) is very strong. The overwhelming majority, as we stated, of the 'Ulamā' said one must encompass the face for Tayyamum. So it's not any different here.

The fourth point, we're left with a slight problem here. What about the Messenger (صلى الله عليه وسلم) wiping over his forehead. It's authentic no doubt about it. But here we say, there's a bare head, and there's a head that's covered with a turban. When one is wearing a turban, it's a whole different scenario, that doesn't apply here and it can't be used here. And we'll talk about that issue in a bit Inshā'Allāh.

Now the Dhālimun Li-Nafsihī in Talabul-'Ilm – what would he take out of this? That he should encompass the entire head. Al-Muqtasid and Al-Sābiqun Bil-Khairāt in Talabul-'Ilm takes all that which we took and comprehends it, so he may convey it and base upon it in the future.

The next Mas'alah here, if one has long hair, do they go all the way to the bottom of the hair here? Sa'īd Ibn Al-Musayib said, a woman is like a man in the ruling pertaining to wiping over the hair. So what is that ruling? Hanafiyyah, Shāfi'iyyah, and Hanābilah stated that the hair doesn't need to be wiped beyond what's under the head part (the nape). If the hair is shoulder length, or below that like mine when I was released from prison – it was half-way down my back, the level of Wudū' would be to stop right here (the nape). If someone wipes below the head area without the hair over the head, that's not sufficient to fulfill the requirement of Wudū'. Meaning if I wiped below my napelline, not on top of my head – that's not sufficient. If someone takes the bottom of their hair, and folds it up, and wipes it over their head – that's not sufficient

because that's below the neck area. Why is that not sufficient? Because Allāh (سبحانه وتعالى) said:

وَامسَحوا بِرُءوسِكُم

Wiping the head is what's required, not that which is below the neckline. We know some of the Sahābah had long hair, yet at the same time, there's nothing to prove they wiped beyond the portion equivalent to the head. In fact, what's proven is contrary to that. 'Atā' and 'Ubayd Ibn 'Umayr used to only wipe that which is on the head portion of their head – not anything below that.

The next issue is a woman's Khimār, can a woman wipe over her khimār? Before we take the ruling on that we need to know the ruling pertaining to a man's turban – because that's the foundation for the ruling on a woman's khimār. Khimār in Arabic applies to the head covering for both a man and a woman. Whatever covers the head can be referred to as a Khimār, on a man – or on a female, we're talking about completely encompassing the head. There's a Hadīth in Sahīh Muslim, Hadīth Bilāl,

مَسَحَ عَلَى الْخُفَّيْنِ وَالْخِمَارِ

The Messenger (صلى الله عليه وسلم) wiped over the leather Khuff and the Turban.

The Arabic term used for turban here is Khimār. Ibn Al-'Athīr said, Khimār here means the Messenger's (صلى الله عليه وسلم) turban. There's another narration that the Messenger (صلى الله عليه وسلم) wiped over the turban, but instead of Khimār they referred to it as (عِمَامَتَهُ), it specifically used the term Turban. So that explains precisely what the Khimār of the Messenger (صلى الله عليه وسلم) was. Based on that Hadīth, Hadīth Bilāl (رضي الله عنه), and also in Sahīh Bukhāri,

رَأَيْتُ النَّبِيَّ صلى الله عليه وسلم يَمْسَحُ عَلَى عِمَامَتِهِ وَخُفَّيْهِ.

("I saw the Prophet (ﷺ) passing wet hands over his turban and Khuffs (socks made from thick fabric or leather))

Those Ahādīth prove that one can wipe over the turban entirely, and there's similar Ahādith like that to support that matter. Or, one can wipe over the forehead then continue wiping over the rest of the turban. In Sahīh Muslim,

مَسَحَ عَلَى الْخُفَّيْنِ وَمُقَدَّمِ رَأْسِهِ وَعَلَى عِمَامَتِهِ

The Messenger (صلى الله عليه وسلم) wiped over the forehead, then continued over his turban.

So the first one I mentioned, he wiped over his turban. This one is, he mentioned the forehead then continued over the turban.

Ibn Al-Qayyim made it clear in his book Zād Al-Ma'ād and Ash-Shawkāni said something very similar, they said the Messenger (صلى الله عليه وسلم) wiped over his head, meaning bare head (when there was nothing on it), and sometimes over the turban. And sometimes over the forehead, then continuing over the turban. Some 'Ulamā' said, the only turban to be wiped over is the Muhanakah, that which has a Dhu'ābah Muhanakah. What hangs from the turban down, sometimes it's put on the right side, sometimes it's laying on the back, and sometimes it covers under the chin. Muhanakah is when the tail is wrapped below the neck under the jaw, it goes under and it covers – sometimes it covers the whole face. Some said that the one turban one can wipe is only the Muhanakah – the one that wraps under and below the chin and the jaw, you see it's more like a Niqāb, they use it in the desert to protect themselves from the desert.

Ibn Taymiyyah said the reason for allowing the wiping over the turban is not specifically because it's Muhanakah like those other scholars said, that it's wrapped around the chin. He said the wisdom behind wiping on the turban is the general difficulty of taking it off and on, or the inconvenience and difficulty of fixing the layers (**تكوير** العمامة). He said it could also be that one may be sweating in a cold day, and that taking it off may render him ill, meaning he didn't specify the reason is only due to the (عمامة) being wrapped around the chin. That's a man's Khimār. What about a woman's?

The four Madhāhib, the Hanafiyyah, Shāfi'iyyah, Mālikiyyah and one of two opinions in the Hanbali madhhab – the majority of the Salaf and 'Ulamā' do not allow for a woman to wipe over her Khimār. And among those who said that is Sa'id Ibn Musayib, An-Nāfi', and An-Nakha'ī. Some of them gave the exception that if it's a very light Khimār where water can seep through – then it's fine. And their proof on that is:

وَامسَحوا بِرُءوسِكُم

Allāh (سبحانه وتعالى) said to wipe over the head. And a woman who has the Khimār on is not wiping over the head as Allāh (سبحانه وتعالى) ordered it (if she's wiping over her Khimār). And they stated the permission or exemption is given to a turban, not the Khimār of a woman.

The second opinion is that a woman can wipe over the Khimār. That second opinion is the second opinion of the Hanābilah, and some of the Salaf say, if it's difficult or inconvenient to remove it – in similarity to the turban it takes the ruling of the turban, and this is what Ibn Taymiyyah (رحمه الله) chose, and I believe this to be the correct Rājih – it's very strong. The Qiyās (analogy) is very strong. So the reason I would say it's Ar-Rājih is number one, it's permissible to wipe over the turban, and the Khimār takes the same ruling by analogy (Qiyās). Number two, both are worn on the head and they cover the head. Number three, it's an inconvenience or difficulty to take both of them off and put them back on in a very near, identical fashion. Number four, is there is the fear of cold weather, if one is sweating and takes it off – they may get ill, as Ibn Taymiyyah (رضي الله عنه) said. Fifth, not only is analogy applicable, but as Ibn Taymiyyah stated, the ruling is more essential and more needed for a woman's Khimār – because the turban can be taken off in public. A woman cannot remove her Khimār in public if she needs to make Wudū', therefore it's more essential for a woman's Khimār than it is for a man's turban. The sixth point is that it's been reported by Umm Salamah (رضي الله عنها) that she wiped over the Khimār.

The next Mas'alah is wiping over the nape of the neck. (مسح القفا), there's no confirmed, authentic narration of wiping the nape – which is the back of the head. It's called (القفا), it's the spot in the back of the head where the hairline ends – or you can

say where the hairline begins, depending on how you look at it. The Hadīth of Abdullāh Ibn Zaid on Wudū' in Sahīh Bukhāri and Muslim:

فَأَقْبَلَ بِهِمَا وَأَدْبَرَ بَدَأَ بِمُقَدَّمِ رَأْسِهِ **ثُمَّ ذَهَبَ بِهِمَا إِلَى قَفَاهُ**

Abdullāh Ibn Zaid, showing the Wudū' of the Messenger (صلى الله عليه وسلم), wiped his head from the forehead – all the way back, to the nape. The spot where the back of the hairline ends or begins. That Hadīth doesn't mean that he wiped the nape area, it means he went towards the nape of the neck – not including it. He stopped where the hairline stops. There's a weak Hadīth on that in Sunan Abi Dawūd:

رَأَيْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَمْسَحُ رَأْسَهُ مَرَّةً وَاحِدَةً حَتَّى **بَلَغَ الْقَذَالَ**

I saw the Messenger of Allāh (ﷺ) wiping his head once up to his nape.

القذال هو أول القفا

(القذال، القفا، العنق) they're all similar in referring to the nape area. The narration stated that the Messenger (صلى الله عليه وسلم) wiped his head with his hands (صلى الله عليه وسلم), until he reach the nape – we said that is weak.

There is an 'Athar that Ibn 'Umar did wipe the nape. Ibn Al-Qayyim (رحمه الله) said in Zād Al-Ma'ād something similar to what Ibn Taymiyyah mentioned – which I mentioned sometime ago – that there's nothing authentic on wiping the neck at all, and the nape is within the neck area. It's the back of the neck.

An-Nawawi, Ibn Taymiyyah, Ibn Al-Mulaqin, and Ibn Daqīq Al-'Īd all specifically mention that one shouldn't wipe the nape of the neck.

The next Mas'alah is a bald head. And this issue overlaps with the issue of washing the face. Meaning it falls under washing the face – because we needed to know the limit, where the start of washing the face begins. And it falls under here as

well because you're wiping over the head now. You need to know where to start wiping over the head. Or if you should wipe the head, since he's bald he doesn't have hair, the Messenger (صلى الله عليه وسلم) and the Sahābah used to go to Hajj and 'Umrah and of course they used to shave on a regular basis. Shaving the head is like being bald, and we don't know any of them who left out wiping the head because they were shaven or bald.

If someone is bald, where does he start wiping his head from? An-Nawawi related that Ibn Jurayd said, a bald person wipes like a regular normal person, just as if he had hair – he's not exempted. And he starts at the hairline, where hair would normally grow for a normal person.

The next issue is the ears, the author said,

وَمَسْحُ الرَّأسِ مَع الأُذنين،

Wiping over the head, including the ears.

Ibn Abdul Barr, and An-Nawawi related an 'Ijmā' that the ears an established act of Wudū'. The issue is clear that they're part of Wudū', the problem is are they Sunnah or Wājib? When we say it's an established act of Wudū' that means it's a part of Wudū', but the 'Ulamā' are split on whether it's Sunnah or Wājib. Wiping over the ears in Wudū' is mentioned in the description of the Wudū' of the Messenger (صلى الله عليه وسلم) by many of the Sahābah like Abdullāh Ibn 'Amr Ibn Al-'Ās, and Abu Karīmah, and others.

So the first opinion is that the majority of the 'Ulamā' state that it's Sunnah, and that's the opinion of the Hanafiyyah, Shāfi'iyyah, and Mālikiyyah, and one of two opinions by Imām Ahmad. And it's the opinion of Ibn Hazm, and it's the opinion of Al-Qurtubi. Simply put they said it's not in the verse of the Qur'an (not mentioned in Surat Al-Mā'idah), so it's Sunnah.

They also used the Ahādīth in Sahīh Bukhāri and Muslim that didn't mention the ears in the description of the Wudū' acts. They said it's not in some of those Ahādīth,

and that the Messenger (صلى الله عليه وسلم) didn't order it, and what's narrated – that the Messenger (صلى الله عليه وسلم) did wipe, they admit to that saying it only means it's an act of Wudū' that's Sunnah and not obligatory.

The second opinion is that it's obligatory (Wājib), it's the opinion of the Hanābilah, and second opinion of some of the Mālikiyyah, and the opinion of Ishāq Ibn Rahaway. They said, the continued persistence of the Messenger (صلى الله عليه وسلم) wiping his ears in the description of his Wudū' is a description of the verse in the Qur'ān, and that makes it Wājib. And they used from Muwatta Mālik, a Hadīth (the meaning of the Hadīth being) when washing the ears the sins drop out of the ears. But that's a weak, Mursal Hadīth.

The Rājih, I believe, is that they are Sunnah. One should never neglect them, but I don't believe based on the proof, that they elevate to the level of being a Fard. And the reasons would be, number one, not all Ahādīth showing the description of the Wudū' of the Messenger (صلى الله عليه وسلم) specify wiping over the ear. Hadīth 'Uthmān that's a principle in the description of the Wudū' of the Messenger (صلى الله عليه وسلم) didn't mention the ears just like the Hadīth of Abdullāh Ibn Zaid. The most authentic Ahādīth on Wudū' don't mention the wiping of the ears, for example, it's not in the Bukhāri and Muslim version of Hadīth 'Uthmān, or Abdullāh Ibn Zaid, or 'Ali Ibn Abi Tālib, or Ibn 'Abbās, that are on Wudū'.

Other Ahādīth like Hadīth 'Abdullāh Ibn 'Amr, Hadīth Ibn 'Abbās, Hadīth Ar-Rubayyah did mention it. Number two, the wiping of the ears in Wudū' being Sunnah – not Wājib, is the opinion of the four Imāms and the opinion of the overwhelming majority of the Salaf and the Tabi'īn. If one leaves it out purposefully or forgets, he doesn't have to repeat the Wudū'. In fact, it's such a strong opinion that some 'Ulamā' like An-Nawawi, and Ibn Jarīr, and Ibn 'Abdul-Barr said that it's by 'Ijmā' that the ears are Sunnah. But that 'Ijmā' may not be quite accurate – however it shows you that it's such a strong opinion.

Number three, in Sunan Al-Bayhaqi Ibn Mas'ud ordered the ears to be wiped, but likewise that order could be taken as a mustahab or recommendation, it's not clear to be taken as a Wājib.

Number four, Anas Ibn Mālik, who knew the Messenger (صلى الله عليه وسلم) closely and helped him in his Wudū' and was his servant, would've clearly conveyed it if it was Wājib.

Number five, it's not included among the actions of Wudū' in the verse in Surat Al-Mā'idah. So that alone, with the other points that we mentioned gives it some weight to being a Sunnah.

The sixth point, the narration in Musanaf Abdul-Razzaq which is an authentic statement by Ibn 'Umar (the ears are from the head), that can be answered from two avenues. The statement doesn't necessarily entail that it's Wājib. It could mean that it's mustahab. The second avenue, we said wiping part of the head is sufficient, which is the weaker of the two opinions as we stated. But according to that opinion the ears are part of the head as Ibn 'Umar (رضي الله عنهما) said, then if one leaves them out, it's not a problem – because they only requested one fourth of the head to be wiped, since they're saying the ears are part of the head it would be encompassed when you say one fourth is acceptable.

The next Mas'alah is the water for the ears. Mālik, Ash-Shāfi'ī, and Ahmad all said that one should take fresh water. Ath-Thawri and Abu Hanīfah said it's sufficient to wipe the ears with water that's left over from the head because the ears are from the head. Some Ahādīth were used like Hadīth Abdullāh Ibn Zaid that the Messenger (صلى الله عليه وسلم) used for his ears water other than the water he used for his head, but they have issues in their authenticity. However, it's confirmed to be from the actions of the Sahābah like Ibn 'Umar, and Ibn 'Abbās (رضي الله عنهما). Ibn Al-Qayyim (رحمه الله) said, it's not proven that the Messenger took fresh water for the ears, but it's authentic that Ibn 'Umar did take fresh water for the ears. This Mas'alah is a close call, the authentic narrations mentioning the Wudū' of Rasūlul-Allāh (صلى الله عليه وسلم) don't mention the usage of fresh water for the ears, and they're also considered part of the head. Then on the other hand we know Ibn 'Umar (رضي الله عنه) did take fresh water, we don't know any of the Sahābah who disapproved of that. I'll leave this Mas'alah at that.

Next issue is how to wipe the ears. Before we take that, we need to know, are they washed or wiped? The ears are to be wiped and not washed, unlike what some claim. There's nothing authentic that the ears should be washed for Wudū'. The water to the ears, is from the water to the head in one for two opinions we just mentioned. So how can it be washed when the head itself is wiped. The water also, couldn't be sufficient for that. There is an authentic narration that Ibn 'Umar (رضي الله عنهما) washed his ears, but that could possibly be due to him taking precaution. As (احتياط) for himself. Most narrations related by Ibn 'Umar (رضي الله عنهما) indicate he wiped and not washed. And it's what the majority of the Sahābah did. Ibn 'Umar never ordered they be washed, in any of his statements – they were all ordering that they be wiped. It may be he enforced it upon himself but did not enforce it on others, just like the issue about him washing his feet sometimes seven times in Wudū'.

Also, to top that off, most of Ibn 'Umar's (رضي الله عنهما) close companions wiped and didn't wash the ears, and that shows they believed it's either a personal ijtihād of Ibn 'Umar for himself, or as we said it's a precautionary measure he took.

Ibn Sirīn and An-Nakha'i combined between washing and wiping. 'Atā' said you can wash, or you can wipe, it's your choice. Ash-Sha'bi and Ishāq said, wash the external part of the ear with the face, and wipe the inside part with the head – that's his opinion.

The bottom line is that it's clear that the ears are to be wiped and not washed. The next issue is how do we wipe them, we have narrations by Ibn ''Abbās and Abdullāh Ibn 'Umar in Sunan An-Nasā'i:

مَسَحَ بِرَأْسِهِ وَأُذُنَيْهِ

That the Messenger (صلى الله عليه وسلم) wiped his head and his ears.

بَاطِنَهُمَا بِالسَّبَّاحَتَيْنِ

The inside of the ears with his forefingers,

وَظَاهِرَهُمَا بإبهاميه

and the outside with his thumbs

In the Hadīth, the (ظَاهِرَ) refers to the outside – the side facing the head, and he used the thumbs. The (بَاطِنَ) is what faces the face, and what you use here is the forefingers. Imām Al-Haramayn and Al-Ghazāli and some other 'Ulamā' said, it's done by putting the index fingers in there, with the thumbs in the back, and the forefingers right here, and (يدير هما) they move them about – wiping the ears. There is general 'Athār from the actions of Abdullāh Ibn 'Amr, Ibn 'Abbās, Ibn 'Umar, and Anas to wipe the inside and outside of the ears.

Al-Aswad Ibn Yazīd said 'Umar made Wudū' and put his fingers inside and outside of the ears, wiping them. If one uses other fingers to wipe the ears, he's achieved the purpose of wiping them and he should cover the inside and outside of them – that's acceptable. But most of the 'Ulamā' recommend the index fingers and the thumbs as I mentioned. Jazākum Allāhu Khair,

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم